(112)

HIGH COURT OF CHHATTISGARH AT BILASPUR
DIVISION BENCH

CORAM : HON'BLE SHRI JAGDISH BHALLA, Ag C.J.
HON'BLE SHRI SATISH K. AGNIHOTRI, J.

Writ Petition No. 1580 of 2002

Petitioner		Kalam Sai Chouhan, Ex Office Guard, R/o Pathalgaon, Distt Raigarh (CG)
	Versus	
Respondents	1.	The Hon'ble Chairman through its Registrar, MP State Administrative Tribunal Jabalpur (MP)
	2.	State of (MP) Chhattisgarh, through Secretary Forest Department, DK Bhawan Raipur (CG)
	3.	The Divisional Forest Officer, Raigarh Forest Division, Raigarh (CG)
	4.	Shri SR Dubey, Enquiry Officer and Deputy Divisional Forest Officer, Raigarh (CG)

Writ petition under Articles 226/227 of the Constitution of India

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Present : Shri Vishnu Koshta, counsel for the petitioner.
Shri G.D. Waswani, Government Advocate for the State.

ORAL ORDER
(Passed on 22nd November, 2007)

The following order of the Court was passed by **Hon'ble Jagdish Bhalla, Ag C.J.**

This writ petition arises out of the order dated 15-04-2002 passed by the Madhya Pradesh State Administrative Tribunal, whereby the learned Tribunal has dismissed the claim of the petitioner. The petitioner was compulsorily retired as a measure of punishment and the same was challenged by the petitioner before the learned Tribunal. The learned Tribunal after hearing the parties came to the conclusion that there was an alternative statutory remedy available to the petitioner, however, the Tribunal further considered the merit of claim petition & thereafter

dismissed the claim petition. Aggrieved by the same, this petition was filed.

Learned counsel for the petitioner submits that since the Tribunal has come to the conclusion that there is an alternative remedy available to the petitioner, there was no reason left with the Tribunal to give orders on merit and, therefore, the Tribunal failed in its administration of justice. It was further contended that it would have been appropriate for the Tribunal to dismiss the petition only on the ground of availability of alternative remedy.

It has been further contended by learned counsel for the petitioner that the quantum of punishment is too harsh and excessive. However, learned counsel failed to address the Court on this ground. The judgment of the Tribunal is a reasoned judgment and the punishment of compulsory retirement due to various charges has been rightly upheld.

In the light of above, we do not see any reasonable ground to show interference in the order passed by the learned Tribunal. Accordingly, the writ petition is dismissed.

Sd/-
Ag. Chief Justice

Sd/-
Satish K. Agnihotri
Judge

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